

Article to Protect North Hill Land Declared Invalid

By SUSANNA SHOHAM

Duxbury selectmen voted unanimously against recommending Article 12 to Town Meeting because town counsel declared it to be illegal.

Article 12 is a citizen's petition that seeks to protect almost 90 acres of environmentally sensitive land in the southern section of North Hill reservation by deeding it to the Conservation Commission. Chairman of the Open Space and Recreation Planning Committee Joel Cooper and member John Joline submitted the petition to selectmen on Jan. 9, because Cooper said the committee wanted to protect this parcel of land regardless of whether Town Meeting votes to expand the North Hill golf course.

At their meeting this week, selectmen stated that Town Counsel Robert Troy recently examined Article 12 and found that Town Meeting cannot vote on the article as it was presented. Hearings and other processes are needed before this type of an article can be voted upon, said selectmen. Troy will explain the reasons that nullify the article at Town Meeting.

"We all assumed we were going forward with it," said Town Manager Rocco Longo. "We didn't know it was flawed."

Selectman Friend Weiler said the board "felt bad about" the lateness of Troy's finding, but added that "it was our (the board's) idea to protect this land in the first place."

Weiler said that selectmen will seek to protect this land in their motion for Article 11, the golf course expansion article. Although the language of the article does not refer specifically to this land, the motion will exclude these 90 acres from the expansion plans, but will not deed it to the Conservation Commission, said Selectmen Chairman Margaret Kearney.

"These 80 acres are already protected by the town's conservation bylaw," said Kearney. "It is sensitive land."

Cooper and the open space committee plan to ask Town Meeting for a non-binding vote on this article to get a sense of how residents feel about it, said Kearney.

If Article 12 had not been declared invalid, a further complication with it would have arisen at the Special Town Meeting.

Special Town Meeting Article 6, sponsored by Department of Public Works Walter Tonaszuck, seeks to swap 5.49 acres with the Massachusetts Audubon Society to protect a new well site. This 5.49 parcel lies within the 90 acres specified in Article 12.

The state requires protection of a radius of 400 feet around the cone of a well site, and the Audubon Society owns about half the radius of the Mayflower II well site, said Tonaszuck.

North Hill Golf Course Expansion

When the DTA Board met there was very little information available from the ad hoc Committee. Committee members were invited to attend DTA Board meetings, but their schedule did not provide adequate time to make a presentation to our Board. In our discussion of the proposed expansion we had these unanswered questions:

What will be the cost to the taxpayer?

Is it financially feasible? What will it cost and what will it return to the Town?

Will the Town water supply be affected and/or protected?

Your vote at Town Meeting will have a direct impact on how your tax money will be spent. We encourage you to attend Town Meeting and vote, because your vote does make a difference.